


Pocatello also takes issue with the Director's statement that "this delivery call will likely become precedent for future proceedings." Pocatello argues that decisions issued in this proceeding are not binding on all other water users in the ESPA because the Director has not provided adequate notice. *Motion* at 3. First, all the parties to the SWC call are now parties to this proceeding. So issues decided here will likely become precedent in the SWC call through the doctrine of res judicata. Second, whether or not a decision in this matter is binding on all other waters users has little to do with whether the SWC should be allowed to participate in this proceeding. It is without question that this proceeding will establish a foundation for future water delivery call proceedings that use ESPAM 2.0, much as the first administrative proceeding applying ESPAM 1.1 established a foundation that other delivery calls built upon. In this context, the SWC's desire to participate in the first proceeding applying ESPAM 2.0 makes sense. Questions of the precedential nature of any decisions issued in this proceeding will be addressed in future proceedings and are not a reason to prevent the SWC from participating in this proceeding now.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

The City of Pocatello's Motion for Clarification and/or Reconsideration is DENIED.

Dated this 11th day of September, 2012.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 2012, the above and foregoing, was served by the method indicated below, and addressed to the following:

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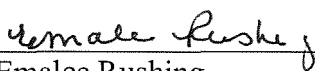
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